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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PU020459	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US 03/32600	International filing date (day/month/year) 15.10.2003	Priority date (day/month/year) 15.11.2002
International Patent Classification (IPC) or both national classification and IPC H04N5/44		
Applicant THOMSON LICENSING S.A. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 15.06.2004	Date of completion of this report 31.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer de Dieuleveult, A Telephone No. +49 89 2399-8946 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US 03/2600

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-22 received on 09.11.2004 with letter of 03.11.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

V. Reasoned statement

1. Reference is made to the following documents:

D1: US 2002/162121 A1 (MITCHELL S.) 31 October 2002

D2: WO 01/33853 A (KIM J. ET AL) 10 May 2001

D3: WO 01/45386 A (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 21 June 2001

D4: WO 99/55090 A (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 28 October 1999

2. Claim 15:

2.1 Documents D1 (see "cable modem tuner" in paragraphs 37, 51, 68, 74, 86 and 87) and D2 (see "MOD&DEMODO" in figs. 2 and 3), both disclose a modem apparatus comprising a modulator/demodulator (implicitly) and having an emergency alert function (see par. 72 and p. 5, last par., respectively).

2.2 A similar prior art is derivable from document D3 which mentions an Internet connection with relation to Fig. 1 (see p. 4, ll. 14-19). Although the "modem" is not explicitly cited, such an apparatus is well known for the skilled person (see also D1, par. 74).

2.3 The subject-matter of claim 15 thus substantially differs from the disclosure of any one of documents D1 to D3 only in that "said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type".

2.4 Such a feature is however known (or at least strongly suggested) from document D4 which strives to provide emergency broadcasts (*inter alia*) to appropriate viewers by using a user profile (see p. 3, ll. 17-25) comprising information (see p. 9, l. 27 - p. 10, l. 3) relating to a user selected (since it may be entered manually) geographical area or another user selected personal preference (an event type being an obvious option in this context so as to filter out warning messages that are not appropriate to said user).

2.5 The subject-matter of claim 15 is therefore considered to lack an inventive step with regard to the combined disclosure of any of D1 to D3 with D4.

3. Claims 1 and 8:

3.1 D1 further discloses a television signal receiving apparatus/method comprising first and second tuning means/steps (see par. 62 and 63, a.o.). D1 mentions an "off/standby mode" (see par. 44) but appears to be silent about monitoring the second channel when put in said mode. A tuner to "listen to the override channel" is nevertheless suggested (see par. 78) and it appears to be obvious for the skilled person knowing the disclosure of D1 and the teachings of D4 and faced with the problem of broadcasting an emergency alert when the receiver is in said standby mode (as known from D2, page 1, lines 27-35; and p. 5, l. 21-35; or from the abstract of D3) to monitor said override channel also in that case. The claimed subject-matter thus lacks an inventive step with respect to the combined disclosure of D1 with D4 and the common knowledge of the skilled person (as best represented by D2 or D3).

3.2 Conversely, the subject-matter of claims 1 and 8 differs from the disclosure of documents D2 and D3 combined with the disclosure of D4 in that separate first and second tuners are used. This missing feature is however well known in the art of television receivers such as the ones providing a picture-in-picture (PiP) function.

Consequently, the claimed subject-matter is considered to lack an inventive step with respect to the combined disclosure of any of D2 and D3 with D4 and the common knowledge of the skilled person.

4. Claims 2-7, 9-14 and 16-22:

These dependent claims do not appear to comprise any additional features that would render their subject-matter new and inventive over the available prior art. Therefore, these claims fail together with the independent claims for lack of inventive step.